FORM 13

SUBMISSION ON RESOURCE CONSENT APPLICATION TO ESTABLISH AND OPERATE A MANAGED FILL ACTIVITY AT 3831 CAMBRIDGE ROAD THAT IS SUBJECT TO LIMITED NOTIFICATION BY CONSENT AUTHORITY

Clause 6 of the First Schedule to the Resource Management Act 1991

To **Waipa District Council**
Private Bag 2402
Te Awamutu 3440
Attention: Consents Planning

Sent via email to: submissions@waipadc.govt.nz

1. This is a submission from Te Awa Lifecare Village Limited ("**Te Awa**" or "**The Submitter**") to the application for resource consent by ResourceCo Limited to establish and operate a managed fill activity at 3831 Cambridge Road, Leamington, Cambridge ("**The Application**").

2. ResourceCo Limited ("**The Applicant**") has applied to the Waipa District Council ("**WDC**") for land use consent for the Application.

3. The WDC Reference for The Application is Resource Consent Application Number LU/0231/25.

4. The land at 3831 Cambridge Road, Leamington, Cambridge ("**The Site**") is zoned Rural Zone under the Operative Waipā District Plan ("**WDP**"), with part of the entrance being zoned Industrial Zone.

5. The activities proposed are not provided for in the Rural Zone and require resource consent as a **Non-Complying Activity** under the WDP (Rule 4.4.1.5(b)).

6. Consent is also required as a **Discretionary Activity** under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("**NES-CS**") for soil disturbance.

7. The Application seeks resource consent approval from WDC for the following:

   > An activity that is not provided for in the Rural Zone (Non-Complying);

   > Earthworks that exceed the permitted volumes - 1,472,200m^3 of earthworks (111,000m^3 of cut and 1,361,200m^3 of fill);

   > Retaining walls that exceed the 12m maximum permitted height and are within the 25m minimum building setback;

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> Potential breaches with the daylight control and building coverage requirements;

> Activities that will exceed the daytime noise levels relative to the southern boundary;

> Dust emissions from the site that will potentially extend beyond the site; and

> Earthworks within 23m of a stream.

8. The Site is identified in **Figure 1** (shown in yellow shading).

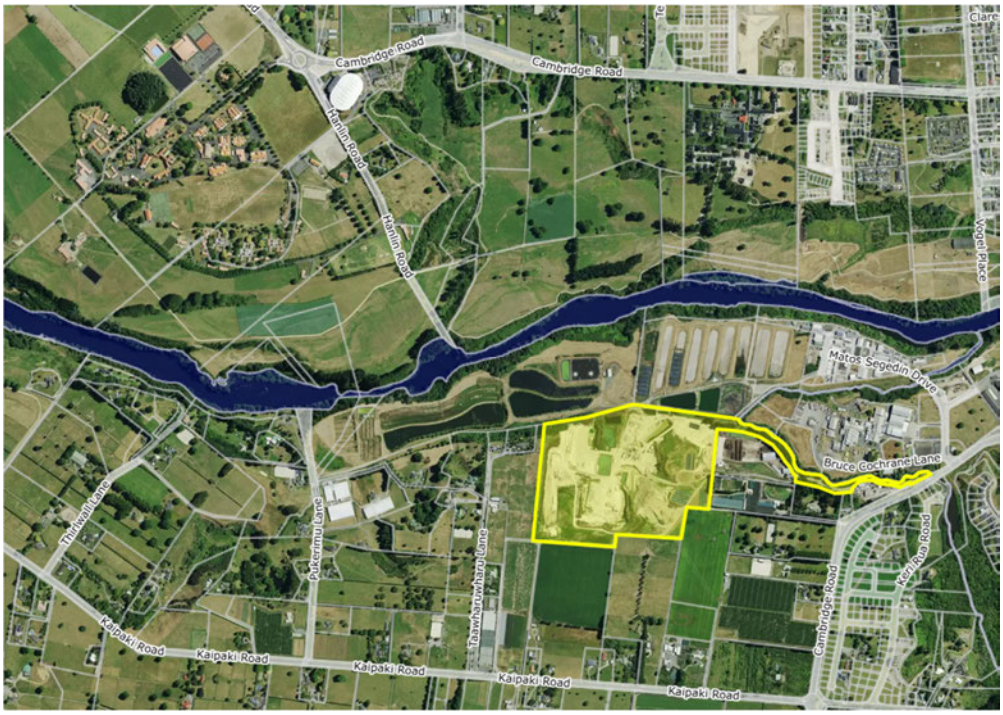

Figure 1: Land subject to the proposed managed fill activity (LU/0231/25).

9. The Submitter is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 ("**RMA**").

10. The Submitter **opposes** this resource consent application and requests that that the application be **declined.**

11. The reasons for this submission are set out below.

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SUBMITTER DETAILS

12. Te Awa is a retirement village development located on the periphery of Cambridge township and alongside the Waikato River. The Te Awa retirement village facilities are well established onsite and offer a full range of independent living, assisted living and care options including dementia care.

13. The village has been designed to maximise views overlooking the Waikato River and the rural landscape and setting, with extensive lawn and garden areas and tranquil surroundings for residents to enjoy.

14. Te Awa hold existing resource consents to develop all of their site for retirement village purposes. The consented retirement village development layout (and staging) is shown in **Figure 2**.

Figure 2: The Consented Retirement Village Development at the Submitters Land

15. The Submitters land interests to which this submission relates comprise a land area of approximately 21 hectares, all of which is located within the Cambridge C3 Residential Growth Cell (and is consented for retirement village activities).

16. The location of the Submitters Land (variously as owner and/or occupier and developer) relative to The Site is shown in **Figure 3** (below).

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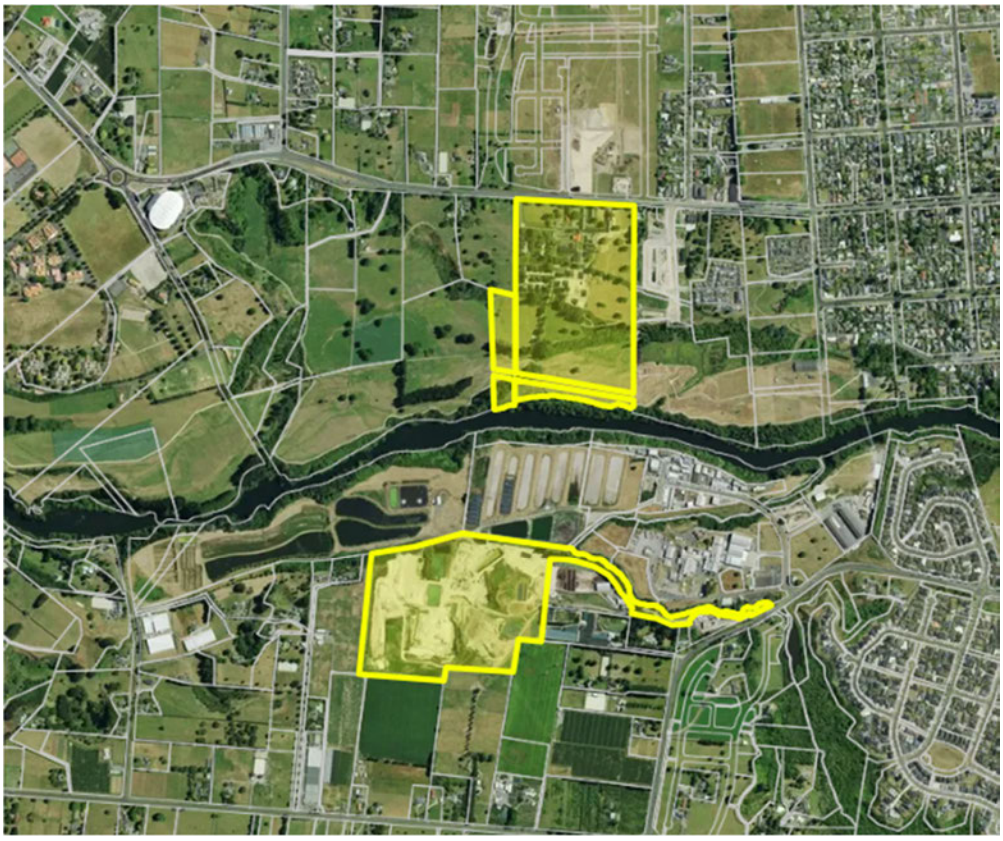

Figure 3: Location of the Submitters Land relative to The Site

REASONS FOR THE SUBMISSION

17. The Submitter opposes the Application in reliance on the full content of this submission. It's key reasons for opposition are summarised as follows:

a) The Site has a history of environmental non-compliance and the baseline lawful environment of the Site is not as presented in the Application and AEE, leading to a flawed assessment of effects on the environment;

b) The history of environmental non-compliance makes the usual RMA assumption that conditions will be complied with unsound;

c) Adverse effects on the environment cannot be satisfactorily avoided, remedied or mitigated via consent conditions;

d) Locating the proposed landfill activity this close to the Waikato River is contrary to Te Ture Whaimana;

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e) Granting consent for the proposed land use activity is inconsistent with the medium to long term strategic planning and spatial allocation of urban land uses within and surrounding Cambridge, including the Site and the Submitters land;

f) Granting consent for the proposed land use will generate effects which in turn frustrate and hinder the implementation of Waipa 2050 by discouraging intended residential and urban development within adjacent and surrounding growth cells;

g) The flow on consequence of the above effects will lead to the inefficient provision of 'stranded' public infrastructure which will in turn had adverse consequences for Council's funding and financing plans, including loss of development contributions revenue; and

h) In combination, these impacts and outcomes are so contrary to the single purpose of the RMA that consent must be declined.

18. Set out below are the matters relevant to the reasons for opposition.

Existing Environment

19. The Application must consider the existing environment, including the existing WDP zoning, structure plan and growth cell provisions; any other relevant Strategic Plans; any existing resource consents that have been granted for The Site and/or the land in the surrounding area, including the baseline lawful environment of The Site.

Waipa District Plan

Zoning

20. The land immediately adjacent to and surrounding The Site comprises a combination of Residential, Rural and Industrial zoned land as follows:

> The adjacent land to the south is zoned 'Deferred Large Lot Residential Zone' and 'Medium Density Residential Zone';

> The adjacent land to the north (the WDC wastewater treatment ponds) is zoned 'Rural Zone'; and

> The adjacent land to the east is zoned 'Industrial Zone'.

21. The land within the wider surrounding area comprises predominantly Residential zoned land (to the north, east and southeast) including areas identified as Residential Growth Cells; the St Peters School Zone (which provides for a range of education and community uses) further to the north; and Rural zoned land further to the south and west.

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22. **Figure 4** (below) is an excerpt from the WDP Zone map in the vicinity of The Site, showing the zoning of The Site (zoned 'Rural Zone' and 'Industrial Zone') and the land in the surrounding area (with the external boundaries of The Site identified as a black and white dashed line). The Te Awa retirement village is located to the north of The Site - on land that is zoned Medium Density Residential Zone and is located within the Structure Plan Area for the Cambridge C3 Growth Cell (shown as solid yellow shading).

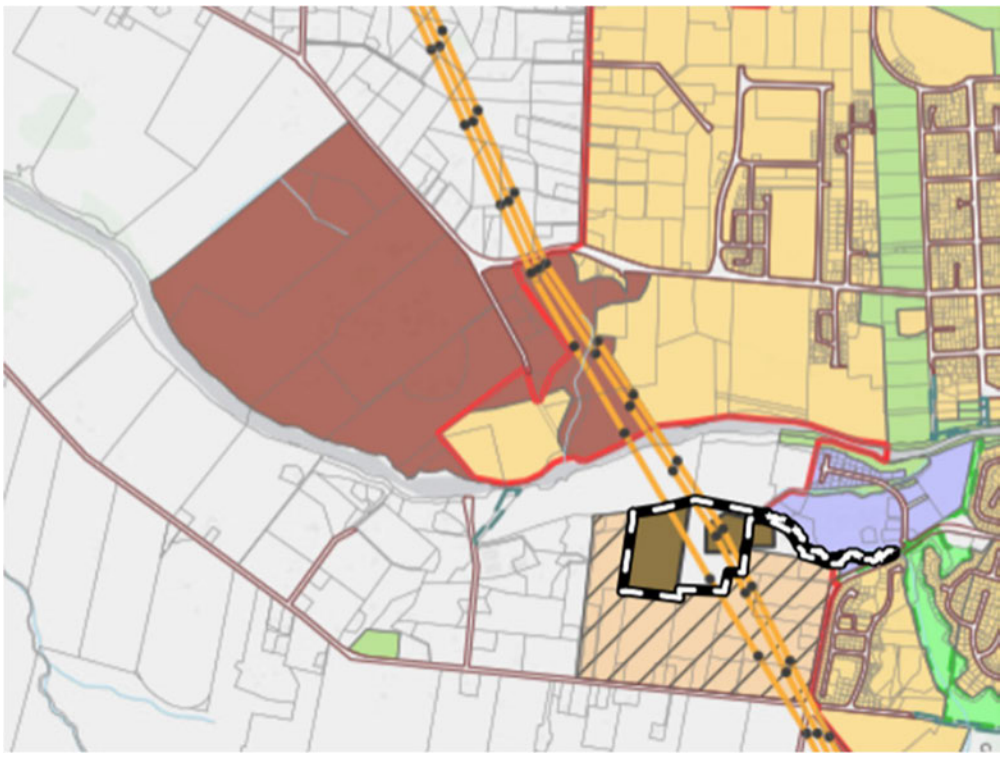

Figure 4: WDP Zone Map

23. The corresponding WDP Policy Area map is copied below as **Figure 5** (the solid brown shading within The Site denotes a mineral extraction area and the solid blue shading denotes the 750m River Stream Biodiversity Corridor).

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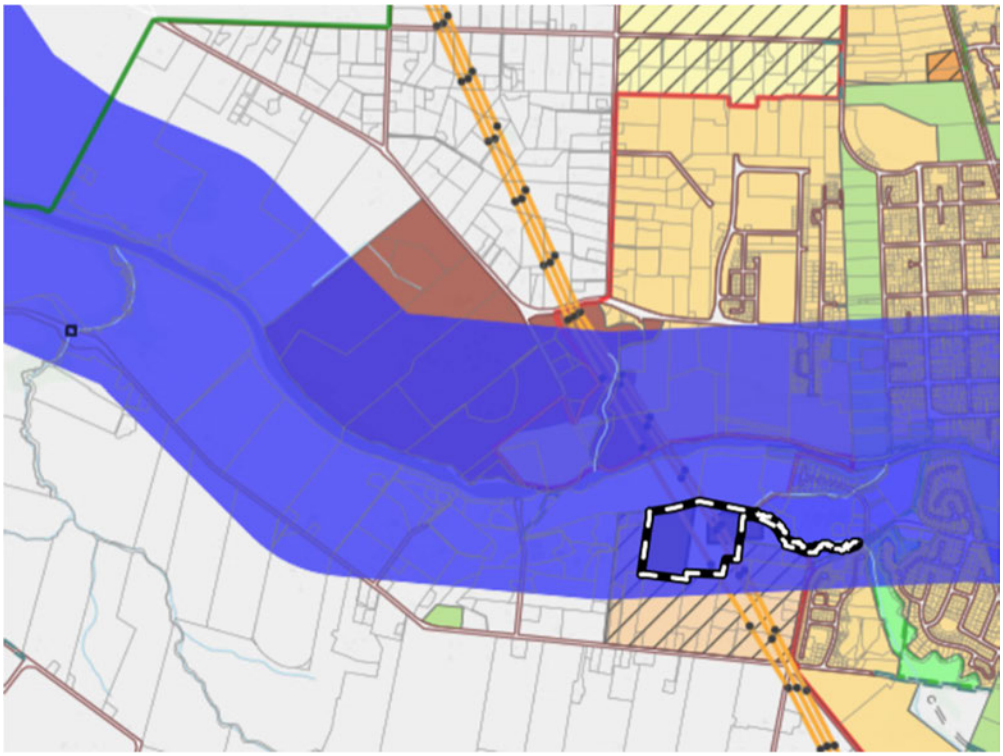

Figure 5: WDP Policy Area Map

Zoning Summary

24. The WDP zoning determines what activities can occur on different pieces of land and under what conditions. The WDP zone maps identify The Site as land that is zoned Rural Zone (not industrial); and is located within close proximity to land zoned Residential (or identified for future residential development) and land zoned St Peters School Zone (and utilised for education, accommodation, sporting, art and cultural activities). The proposal to establish and operate a managed fill activity at The Site is considered incompatible with the WDP zoning of The Site and the surrounding land.

Rural Zone Provisions

25. The WDP does not specifically identify The Site for managed fill activities. The Rural Zone provisions also do not provide for managed fill activities.

26. The activities proposed are therefore not anticipated in this location and require resource consent as a Non-Complying Activity (Rule 4.4.1.5(b)).

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Structure Plan and Growth Cell Areas

27. The WDP identifies the following Structure Plan Areas and Residential Growth Cell Areas within the surrounding area:

> The C11 Growth Cell is located immediately adjacent to The Site, and adjoins The Site to the west, south and east. The C11 Growth Cell comprises an area of approximately 59 hectares identified for Large Lot Residential development;

> The C4 Growth Cell is to the south-east of The Site and comprises an area of approximately 66 hectares identified for Residential development;

> The C3 Growth Cell is to the north of The Site (on the northern side of the Waikato River) and comprises an area of approximately 123 hectares identified for Residential development (including the consented retirement village activities on the Submitters land); and

> The C2 Growth Cell is also to the north of The Site (on the northern side of the Waikato River) and comprises an area of approximately 161 hectares identified for Residential development (including land acquired by The Ministry of Education to provide future educational infrastructure to serve anticipated population growth).

28. The Indicative Current Town/Village boundary (2017) also adjoins The Site, immediately to the north-east.

29. **Figure 6** (below) is a copy of the 'Cambridge Growth Map' (copied from Appendix S1 of the WDP) and dated 19 January 2024. It shows the locations of the identified Growth Cells within Cambridge, and the Indicative Town Boundary relative to The Site (with The Site highlighted in solid blue shading).

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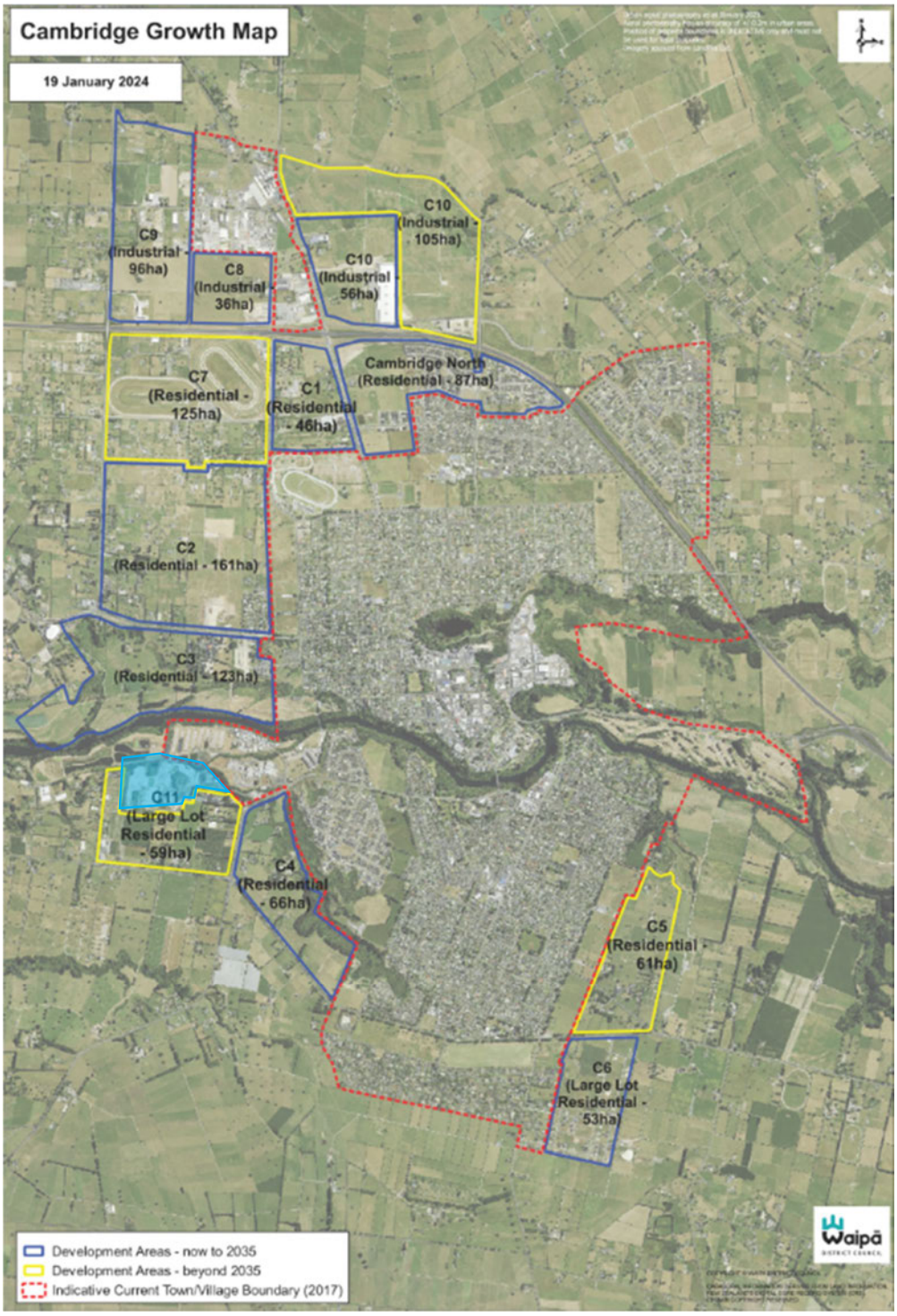

Figure 6: Cambridge Growth Cells (Source: Appendix S1 of the WDP)

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Structure Plan and Growth Cell Area Summary

30. The WDP Structure Plans offer details on anticipated land use, necessary infrastructure and establish an associated planning context for how the implementation of the Structure Plan areas are to be managed. The Structure Plans provide a broad framework within which landowners and developers can prepare development proposals in a flexible manner while maintaining an integrated approach to development. Well planned residential areas consistent with the amenity and character expected within Cambridge are sought, together with providing for an adequate provision of services and appropriate walking, cycling and street connections[1].

31. The Structure Plan and Growth Cell Areas indicate the intended future land use and ensure that the future use of Growth Cells is not compromised by present day development.

32. The WDP zone maps identify a number of Growth Cell Areas within proximity to The Site (to the north, east and south) and clearly anticipate residential development in the surrounding area. The proposal to establish and operate a managed fill activity at The Site is considered incompatible with the WDP Structure Plan and Growth Cell Areas for Cambridge.

Other Strategic Plans

33. In addition to the existing Structure Plan and Growth Cell Areas identified in the WDP, the following Strategic Plans are also relevant (and are discussed below):

> Future Proof Strategy;

> Waipa Community Spatial Plan; and

> Waipa 2050.

Future Proof Strategy

34. The Future Proof Strategy ("**Future Proof**") is a 30-year growth management and implementation plan for the Hamilton, Waipa, Waikato and Matamata-Piako sub-region.

35. Future Proof was updated in 2024 and anticipates residential growth around the main urban centre of Cambridge, particularly within the identified Growth Cell Areas. The C3 and C4 Growth Cells are both expressly identified in Future Proof as 'future urban areas' with 'short term' development timing.

36. Future Proof therefore anticipates residential development within the identified Growth Cell Areas surrounding The Site.

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[1] Paragraph S19.1.2 Appendix S19 Cambridge C1 and C2/C3 Structure Plans Waipa District Plan

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Waipa Community Spatial Plan

37. The Waipa Community Spatial Plan ("**Spatial Plan**") anticipates residential growth will occur within identified growth cells, and that Cambridge may need to expand beyond the current growth cells in the long-term depending on future population growth trends.

38. The Spatial Plan for Cambridge shows The Site as located directly adjacent to (but outside of) the 2050 Town boundaries, and adjacent to land identified as 'existing buildings 2021' to the north-east, east, south and west.

39. The Spatial Plan identifies the Hautapu Industrial Area (to the north) as the key area for industrial development.

> *'The Hautapu Industrial Area to the north is a key industrial node within the wider Waikato area, and with continued growth it will further strengthen its importance as an industrial area. It is projected to grow from around 67ha to 227 ha by 2050'.*

40. The Spatial Plan therefore anticipates residential development within the identified Growth Cell Areas surrounding The Site.

Waipa 2050

41. Waipa 2050 identifies The Site and the adjacent land as located within the Cambridge C11 Growth Cell (Large Lot Residential).

42. Waipa 2050 anticipates this is an area where large lot residential development will occur (beyond 2035).

43. The C3 and C4 Residential Growth Cell Areas (to the north and east of The Site) are clearly identified for residential development. A 'Strategic Industrial Node' for Cambridge is identified at Hautapu.

44. Waipa 2050 therefore anticipates residential development within the identified Growth Cell Areas surrounding The Site.

45. **Table 1** below (copied from Waipa 2050) shows the land area and anticipated land use for the C11 Growth Cell. The corresponding plan (showing the boundaries of the C11 Growth Cell) is also copied below as **Figure 7**.

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Table 1: Cambridge Residential Growth Cells - Beyond 2035 (Source: Waipa 2025)

TABLE 9: CAMBRIDGE RESIDENTIAL GROWTH CELLS – ANTICIPATED BEYOND 2035

GROWTH CELL	LAND AREA	OVERVIEW AND ANTICIPATED CAPACITY
C5	61ha	➤ Intended for residential development as an alternative along with C4, for development on the Leamington side of Cambridge.
C7	125 ha	➤ This growth cell has been identified as potentially suitable for residential development in the event that it is no longer required for equine / racing purposes. There is also the potential for an element of the cell to be for large lot residential purposes.
C11	86ha	➤ This growth cell is intended for large lot residential development.

The above growth cells make provision for 272 hectares of residential land with a dwelling capacity of approximately 190 dwellings.

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FIGURE 4: CAMBRIDGE GROWTH MAP

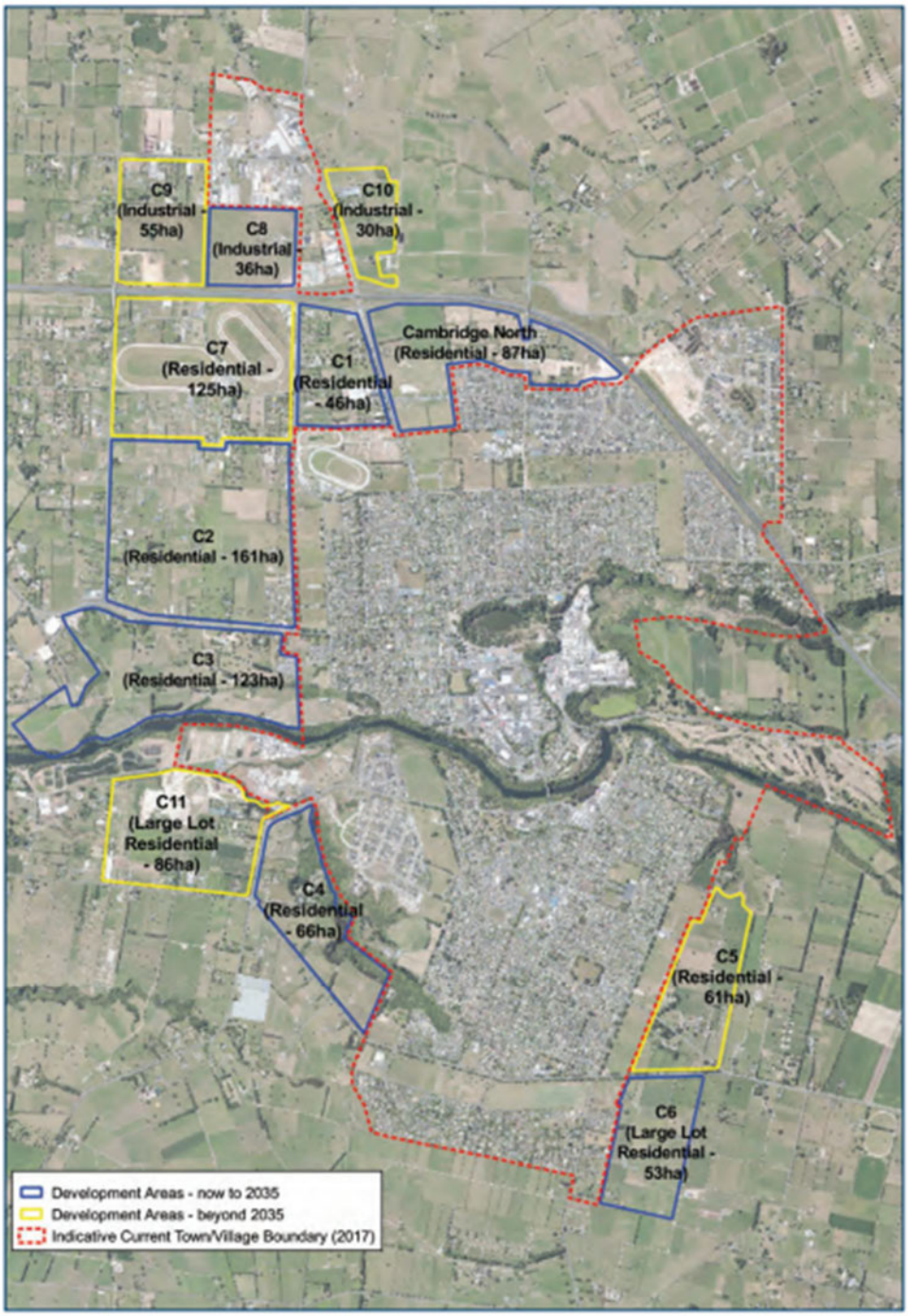

Figure 7: Cambridge Growth Map (Source: Waipa 2050)

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46. The Submitter acknowledges discrepancies between Waipa 2050 and the WDP for the C11 Growth Cell (**Figures 6 and 7** above), whereby a larger (86 hectares) land area that includes The Site is identified in Waipa 2050; and a smaller (59 hectares) land area is identified in the WDP.

47. WDC Staff have confirmed that this discrepancy occurred through Plan Change 5 – Waipa 2050 Growth Strategy, in response to a submission by Aotearoa Park Developments Ltd (submission point 38/1).[2]

Strategic Policy Direction

48. The policy direction in the relevant statutory documents and strategic plans provides for residential growth in Cambridge and anticipates that the residential development will occur within identified Growth Cell Areas, including those surrounding The Site. The policy direction also anticipates future industrial development for Cambridge will occur within an identified Strategic Industrial Node at Hautapu.

49. The relevant objectives and policies anticipate 'well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future'[3]; development of the built environment occurring in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes including minimising land use conflicts and potential for reverse sensitivity; and incompatible adjacent land uses (including those that may result in reverse sensitivity effects).[4]

50. The relevant objectives and policies are copied below as **Attachment 1**.

Te Ture Whaimana

51. Te Ture Whaimana is the vision and strategy for the Waikato River, and is recognised as the primary direction setting policy instrument for land use planning within the Waikato, including Waipa District. It calls for the restoration and protection of the Awa. The Site, in close proximity to the Awa, has been mined for river sand in the past, and has become degraded. Land use in this area must arrest this decline in the amenity and the well being of the Awa, and restore it for future generations.

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2 The recommendation to this submission point in the s42A report states:
"Submission point 38/1 raised concerns about the location of the C11 growth cell and its close proximity to the nearby Industrial Zone and Council's Wastewater Treatment Plant. Following the consideration of further information presented at the hearing, the panel agreed that the northern boundary of growth cell C11 be amended to exclude Lot 2 DP 472963 owned by Remediation NZ (Ltd) and used as a green waste processing site. This submission point is accepted in part."

3 National Policy Statement on Urban Development

4 Waikato Regional Policy Statement

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Strategic Plans Summary

52. The Strategic Plans anticipate residential development will occur within the identified Growth Cell Areas surrounding The Site. They do not anticipate a manged fill activity at The Site. Perpetuating this land use direction for the Site is inconsistent with the relevant Strategic Plans and Te Ture Whaimana (the latter has the status of a National Policy Statement).

53. Council's growth planning, zoning decisions, growth cell identification and future residential land use expectations were all developed on the assumption that the quarry activities at The Site would eventually cease, and The Site would be rehabilitated.

54. The Application therefore represents a material departure from the planning assumptions that underpin the Waipā District Plan, Future Proof, Waipā 2050, identified Growth Cells and Council's infrastructure investment decisions.

55. The previous resource consents for The Site facilitated temporary extraction activities with a trajectory toward rehabilitation and eventual integration into the surrounding land use pattern. They did not establish an expectation that the site would become a long-term managed fill operation.

56. Granting consent to The Application would effectively entrench an industrial activity in a location where the strategic planning framework anticipates transition toward a residential and amenity-based environment and would be inconsistent with the relevant Strategic Plans and existing Strategic Planning framework.

Existing Resource Consents

57. WDC has granted a number of resource consents for residential subdivision and development on land surrounding The Site, including land that the Submitter has interests in (as an owner and/or occupier and developer).

58. Specifically, WDC have granted resource consent approval for the following:

> **Land Use Consent LU/0232/13** (dated 6 October 2015) for the construction and operation of a retirement village and a childcare centre at the property located at 1866 Cambridge Road, Cambridge for Te Awa Lifecare Village Limited;

> **Land Use Consent LU/0232/13.01** (dated 13 July 2018) is a s.127 application to amend the staging of the development – changing conditions 1.1, 2.1, 6.1 and 7.1 of the original land use consent.

> **Land Use Consent LU/0232/13.02** (dated 15 July 2019) is a s.127 application to amend various conditions of LU/0232/13 and LU/0232/13.01.

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59. The above resource consents provide for a retirement village comprising 130 care beds, 131 villas, 170 serviced apartments; and a childcare centre that caters for up to 50 children within Cambridge – and align with the future growth patterns anticipated in the relevant Structure Plan and Growth Cell Area.

60. The residential activities that are proposed (and consented) in this location are sensitive land use activities that have the potential to be adversely impacted by the managed fill activities proposed at The Site.

61. Te Awa has purposely been designed to take advantage of the existing natural features and amenity values within the surrounding area, including the views overlooking the Waikato River. These views will potentially be significantly impacted by the Application (due to the large scale of earthworks, changes to the topography, vegetation removal and the managed fill activities).

62. The existing resource consent decisions form part of the existing environment, and are the starting point for any assessment of environmental effects for the Application.

Educational Infrastructure

63. The Ministry of Education has acquired land within the C2 Growth Cell to provide future educational infrastructure to serve anticipated population growth. The viability and timing of a future school is dependent upon the population generated by the surrounding residential growth cells, including the St Peter's/Arikirua catchment area immediately to the west of the Submitters land. If the proposed managed fill activity suppresses or delays residential development within those growth cells, it may undermine the assumptions upon which future educational infrastructure planning is based. This creates broader social consequences extending beyond private landowners, including impacts on future educational provision, community wellbeing and the ability of Cambridge to accommodate planned growth.

The Application

64. The Submitter acknowledges that there may be a need for the type of facility proposed in the Application. However, this is not the appropriate location for such an Activity.

65. The proposal to grant resource consent approval for a managed fill activity at The Site has the potential to adversely impact upon The Submitter and the Submitters Land.

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66. Specifically:

> The Submitter is unlikely to be able to sell retirement village units overlooking a large managed fill site; and is therefore unlikely to able to give effect to their existing resource consents;

> Other landowners within proximity of The Site are also unlikely to be able to give effect to their existing resource consents and/or the existing Strategic Plans;

> If the Arikirua development does not proceed St Peters School will miss out on a legacy endowment that has the potential to provide the school with long term financial security. The Ruru Endowment Trust Fund will also not have the security for long term development;

> If development of the existing resource consents (including those for Arikirua and Bridleways) does not proceed, Cambridge will not have the supply of residential lots and the associated economic and social benefits anticipated (as identified within the WDP Growth Cells); and

> If development of the existing resource consents (including those for Arikirua and Bridleways) does not proceed WDC will not receive the Development Contribution revenue to pay for the infrastructure that would otherwise have come from the already consented (and anticipated) developments.

Existing Land Use Activities at The Site

67. The Submitter acknowledges that multiple resource consents have been issued for the existing land use activities at The Site (relating to a sand quarry, and landscape and green waste activities); and that the existing land use activities have grown and expanded over time.

68. However, the existing resource consents for The Site still anticipate that the consented land use activities will cease, and The Site will be rehabilitated to enable future land uses that are consistent with the relevant Strategic Plans and compatible with the existing and planned surrounding environment.

69. There is therefore an expectation that the existing (consented) land use activities at The Site will cease in the medium term and be replaced by activities that are consistent with the outcomes anticipated by the Growth Cells and Strategic Plans.

70. The Site is now at a point at which any further industrial development or expansion needs to stop. It is time for The Site to align with the Strategic Plans for both The Site and the surrounding area.

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71. It is not appropriate for the Applicant to reinforce and expand the scope of industrial activities at The Site – particularly when the existing land use activities are already inconsistent with the Strategic Plans for The Site and the surrounding area (including the Submitter's resource consents to develop Residential Growth Cells).

Compliance History

72. The Submitter is concerned that there have been a large number of complaints associated with the existing land use activities at The Site; breaches to the existing resource consent conditions; and historic compliance issues. It is understood that there has also been emergency vehicle call outs to The Site.

73. The existing compliance history raises concerns regarding the Applicants ability to operate a far more complex operation at The Site.

74. The history of complaints and breaches at The Site has impacted upon public perception and confidence in the ongoing operations at The Site. This raises questions concerning the lawful baseline environment against which the AEE was formulated, and also the reliability and effectiveness of consent conditions intended to manage environmental effects.

Existing Environment

75. The Site has a history of environmental non-compliance and the baseline lawful environment of The Site is not as presented in The Application and AEE, leading to a flawed assessment of effects on the environment (particularly visual and landscape effects).

76. What you see on site is not the lawful baseline environment against which to assess effects. Thus, the AEE supporting the application is flawed.

Adverse Effects Assessed in The Application

77. The Submitter acknowledges the assessment of effects provided in the Application but notes the following.

78. The description of the 'Surrounding Environment' in Section 4.3 of the AEE did not extend across the river and therefore did not consider the Submitters Land.

> ***"Land to the north, north-east and east***
>
> *Immediately to the north is the municipal wastewater treatment ponds for the Cambridge Township, and beyond the ponds (approximately 300m from the sites' northern boundary) is the southern bank of the Waikato River.*
>
> *To the north-east is the industrial estate that obtains access via Matos Segedin Drive. Immediately to the east is elevated, rural zoned land that accesses a crossing via 3807 Cambridge Road. This land comprises shade houses and buildings and appears semi-industrial in nature."*

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79. The Air Quality Assessment (Appendix H to The Application) does not include assessment of potential dust nuisance effects on the northern side of the Waikato River. No sensitive receptors are identified along the northern side of the Waikato River, and no real-time dust monitors are proposed along the northern boundary of The Site. There is a failure to recognise that the Te Awa resource consents, St Peters School Zone and Arikirua subdivision consent and associated residential activities form part of the existing environment.

80. The Acoustic Assessment (Appendix I to The Application) does not include assessment of potential noise effects on residential development within the C2 and C3 Growth Cells. No noise-sensitive receivers are identified on the northern side of the Waikato River.

81. The Landscape and Visual Assessment (Appendix F to The Application) anticipates that views into The Site will primarily be from the north. The assessment includes the following comments with respect to the land on the northern side of the Waikato River:

> The description of the 'Visual Catchment' in Section 2.3 of the Landscape Visual Assessment recognises '*that over time, the makeup of these viewing audiences will change as further development and anticipated growth within the Cambridge area occurs' and that 'This will be particularly evident for the residential growth areas on the northern side of the Waikato River (C3 growth cell) and the DLLR area (C11 growth cell) to the south of the Site*'.

> *Views, into the Site are anticipated to be primarily from the north, particularly from elevated positions in the landscape.*

"It is noted that over time, the makeup of these viewing audiences will change as further development and anticipated growth within the Cambridge area occurs. This will be particularly evident for the residential growth areas on the northern side of the Waikato River (C3 growth cell) and the DLLR area (C11 growth cell) to the south of the Site.

...

Views, into the Site are anticipated to be primarily from the north, particularly from elevated positions in the landscape".

"Residential properties located within the Resthaven Village (VP8), Te Rerenga Terrace (VP9) and Te Awa Life Care retirement village are afforded elevated views into the site, from the river terrace that sits above the Waikato River corridor. It is also recognised that further residential development is underway to the west of the Te Awa Lifecare retirement village in the Large Lot Residential zone (LLR) to the south of the Cambridge Road Thermal Explorer Highway. Residential properties on the elevated river terrace with the most open views towards the Site are located at the southern extent of the residential developments where southerly views are open and not interrupted or screened by intervening built form. From these southern extents of these residential areas panoramic views are available over the Waikato River Valley and pastoral grassland adjacent to the TARR. It is recognised that the lower valley area to the north of the Waikato River is zoned for LLR and in the future is anticipated to change in character to include urban residential development."

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Adverse Effects Not Considered

82. The Submitter is concerned that the Application has not afforded appropriate consideration to all of the potential adverse effects.

83. Specifically, the existing assessment within The Application does not adequately consider the following effects:

> The effects of The Application on existing Strategic Plans (and specifically their ability to be realised);

> The effects of the Application that extend across the river and on to the Submitters Land; and

> The effects on the Existing Environment.

84. If granted, the proposal will create a planning blight and will significantly impact upon the ability of other landowners to develop their land in accordance with the existing Growth Cells, Strategic Plans and resource consents granted by Waipa District Council. The proposal therefore has the potential to have adverse effects (including adverse social and economic effects) on people and communities.

85. The reality is that no one (or at least a significantly diminished market) is likely to buy a retirement village unit overlooking a landfill. There is therefore no incentive for the Submitter to develop the land in the C3 Growth Cell in accordance with the existing resource consents.

86. If the land in the C3 Growth Cell is not developed in accordance with the existing resource consents, the future educational infrastructure proposed on land acquired by the Ministry of Education may also no longer be viable or substantially delayed. The viability and timing of a future school is dependent upon the population generated by the surrounding residential growth cells, including the St Peter's/Arikirua catchment area.

87. The application similarly creates a planning blight with respect to the existing Structure Plans and Residential Growth Cells because the consented development in the C3 Growth Cell will not proceed or, at best, proceed over a much slower and longer timeframe. This includes the expansion of Te Awa Lifecare and the development of the 300 lot Arikirua Subdivision. This, in turn, will have significant adverse flow on effects for Council in terms of no or reduced Development Contribution revenue (including the ability to pay for significant infrastructure already built ~$20 million). This will also mean that the significant economic and social benefits of the developments will not materialise. The latter includes the provision of housing, economic benefits during construction, on-going rates to Council, and positive economic and social flow on effects.

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Adverse Effects on the Submitter

88. Potential adverse effects on the Submitter include (but are not limited to) landscape and visual, amenity, noise, odour and dust effects, including effects that are of a temporary or intermittent nature, and that extend beyond the boundaries of The Site.

89. These effects include (but are not limited to) the following:

> **Landscape and Visual Effects** associated with the managed fill and associated earthworks activities – including changes to topography and ground levels, vegetation removal, and views towards the Waikato River. The retaining walls and earthworks associated with the Application are also significantly greater than those anticipated in the WDP; and the visual effects (particularly to the north of The Site) are not able to be mitigated by planting a few trees;

> Amenity Effects associated with the managed fill and associated earthworks activities - including the proximity of The Site to identified Residential Growth Cells, consented residential development and the Waikato River;

> Noise Effects associated with the managed fill activities and associated earthworks activities - including the use of heavy machinery, and hours of operation;

> Odour Effects associated with the establishment and operation of the managed fill activities in proximity to identified Residential Growth Cells and consented residential development; and

> Dust Effects associated with the managed fill activities (including earthworks and vegetation removal) in proximity to identified Residential Growth Cells and consented residential development, and the St Peters School Zone.

90. Perception of adverse effects are matters in themselves that are relevant to investment decisions made on confidence of the market and this activity will diminish if not extinguish this confidence.

Incompatible Land Use Activity

91. The Submitter acknowledges that the quarry, green waste and cleanfill activities have been in place for a number of years. However, the effects of the Application are greater than those currently authorised onsite, to the extent that the Submitter has concerns (particularly in relation to landscape and visual, amenity, noise and dust) in light of their own properties, and their development plans and related resource consents for Te Awa; and residential subdivision and development in the surrounding area.

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92. The nature and scale of the activities proposed in the Application are considered inappropriate for the location of The Site; including its proximity to identified residential Growth Cell Areas and the Town boundary; the St Peters School Zone; and the existing resource consents for future residential subdivision and development (including Te Awa Lifecare Village).

93. In this respect the Submitter is especially concerned that the Application seeks to increase the scale of the existing industrial land use activities at a site that is directly adjacent to (and within close proximity of) land that has been identified for future residential development and is fundamentally incompatible with residential development and the addition of new sensitive receivers within the vicinity of the Application site.

Proximity to the Waikato River

94. The proximity of The Site (and the proposed land use activities) to the Waikato River and the potential for contamination of the Waikato River is of particular concern to the Submitter.

95. The former Perry landfill north of Hamilton is an example of a landfill being an inappropriate land use activity for a site that is located in close proximity to the Waikato River, and should be a major concern to iwi (and others).

96. The Submitter is perplexed by the position iwi have taken on this matter, and how a financial payment can address an environmental effect of this magnitude on a river which is required to be restored and protected from incompatible land use.

Cultural Impact Assessment

97. The Submitter is also concerned that reliance is being placed on a Cultural Impact Assessment prepared in 2022 for a previous proposal, not the current one, which is clearly at odds with the Vision and Strategy for the Waikato River.

Other Considerations

Effects of the Proposal on Loss of Revenue for WDC / Development Contributions

98. The Submitter has made significant investment in Te Awa, including securing resource consents for future stages of the Te Awa retirement village development.

99. If development of Te Awa does not proceed Cambridge will not have the residential growth they anticipate (as identified within the WDP Growth Cells); and WDC will not receive the Development Contribution revenue to pay for the infrastructure that would otherwise have come from the development.

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Strategic Plans Summary

100. The Application is inconsistent with the relevant Strategic Plans and has the potential to adversely impact on other land use activities (and Growth Cell Areas) within the surrounding area, and their ability to develop in accordance with the relevant Strategic Plans.

Conclusion

101. As previously stated, the submission by the Submitter seeks that Council make the following decision:

> That Waipa District Council **declines** the resource consent application for the proposal to establish and operate a managed fill activity at The Site.

102. The Submitter **wishes to be heard** in support of its submission.

103. The Submitter will consider presenting a joint case at the Hearing with other people having similar submissions.

Signature of submitter

(Mark Chrisp – as Agent for the Submitter):

Date: 31 August 2026

Address for Service: Mitchell Daysh Limited

[redacted]

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ATTACHMENT 1: POLICY FRAMEWORK

Objective	Policy
National Policy Statement on Urban Development	
Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.	**Policy 2:** Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.
Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: (a) the area is in or near a centre zone or other area with many employment opportunities (b) the area is well-serviced by existing or planned public transport (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.	**Policy 6:** When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and ii. are not, of themselves, an adverse effect (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1) (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity {...}
Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.	
Objective 6: Local authority decisions on urban development that affect urban environments are:	

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Objective	Policy
(a) integrated with infrastructure planning and funding decisions; and (b) strategic over the medium term and long term; and (c) responsive, particularly in relation to proposals that would supply significant development capacity.	
Waikato Regional Policy Statement	
UFD-O1 – Built environment Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by: [...] 7. minimising land use conflicts, including minimising potential for reverse sensitivity; [...] 12. strategically planning for growth and development to create responsive and well-functioning urban environments, that: [...] (b) improve housing choice, quality, and affordability; [...] ensure sufficient development capacity, supported by integrated infrastructure provision, including additional	**IM-P1 – Integrated approach** An integrated approach to resource management will be adopted that: 1. recognises the inter-connected nature of natural and physical resources (including spatially and temporally) and the benefits of aligning the decisions of relevant. management agencies across boundaries; 2. maximises the benefits and efficiencies of working together; 3. recognises the multiple values of natural and physical resources including ecosystem services; 4. responds to the nature and values of the resource and the diversity of effects (including cumulative effects) that can occur; 5. maximises opportunities to achieve multiple objectives; 6. takes a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends; 7. applies consistent and best practice standards and processes to decision making; and 8. establishes, where appropriate, a planning framework which sets clear limits and thresholds for resource use.

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Objective	Policy
infrastructure for community, and identified housing and business needs in the short, medium and long term; [...]	
	UFD-P1 – Planned and co-ordinated subdivision, use and development Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which: 1. has regard to the principles in APP11; 2. recognises and addresses potential cumulative effects of subdivision, use and development; 3. is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and 4. has regard to the existing and planned built environment.
	APP11 – Development principles **General development principles** The general development principles for new development are: a. support existing urban areas in preference to creating new ones; b. occur in a manner that provides clear delineation between urban areas and rural areas; c. make use of opportunities for urban intensification and redevelopment, particularly within urban centres and along future rapid transit routes, to minimise the need for urban development in greenfield areas; d. not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;

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Objective	Policy
	e. connect well with existing and planned development and infrastructure; f. identify water requirements necessary to support development and ensure the availability of the volumes required; g. be planned and designed to achieve the efficient use of water; h. be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, highly productive land, and primary production activities on highly productive land except in accordance with the National Policy Statement for Highly Productive Land 2022; i. promote compact urban form, design and location to: i. minimise energy and carbon use; ii. minimise the need for private motor vehicle use; iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport; iv. encourage walking, cycling and multi-modal transport connections; and v. maximise opportunities for people to live, work and play within their local area; j. maintain or enhance landscape values and provide for the protection of historic and cultural heritage; k. promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged; l. maintain and enhance public access to and along the coastal marine area, lakes, and rivers;

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	m. avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD); n. adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate; o. not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure; p. be appropriate with respect to current and projected future effects of climate change and be designed to allow adaptation to these changes and to support reductions in greenhouse gas emissions within urban environments; q. consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered; r. support the Vision and Strategy for the Waikato River in the Waikato River catchment; s. encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and t. recognise and maintain or enhance ecosystem services.
	UFD-P2 – Co-ordinating growth and infrastructure Management of the built environment ensures: 1. the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, including additional infrastructure in order to:

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Objective	Policy
	a. optimise the efficient and affordable provision of both the development and the infrastructure; b. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure; c. protect investment in existing infrastructure; and d. ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place; 2. the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated or as required for tier 3 local authorities as set out in UFD-P18 and its associated methods; 3. the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and 4. a co-ordinated and integrated approach across regional and district boundaries and between agencies; and 5. 5. that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.
	UFD-P11 – Adopting Future Proof land use pattern Within the Future Proof area: 1. new urban development shall occur within the Urban and Village Enablement Areas indicated on Map 43 and outlined in Table 341; 2. new residential (including rural-residential) development shall be managed in accordance with the timing indicated on Map 43 or in accordance with the timing

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Objective	Policy
	provided for within an operative Future Development Strategy for the Future Proof sub-region in accordance with the National Policy Statement on Urban Development 2020); 3. new residential (including rural-residential) development and sensitive activities shall not be located in a strategic industrial node on land either zoned for industrial uses, or deferred industrial uses or identified as a future industrial growth area; 4. new industrial development should predominantly be located in the strategic industrial nodes in Table 34 (APP12) and Map 43 and in accordance with the indicative timings in that table except as set out in clause (8) below; 5. other industrial development should only occur within the Urban Enablement Areas indicated on Map 43, unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes indicated by Table 34 (APP12) and Map 43 shall be provided for as appropriate in district plans; 6. new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 34 and Map 43 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 34 and Map 43; 7. new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the transport system, and on other infrastructure; 8. where alternative urban land release patterns are promoted, either out-of-sequence or unanticipated on Map 43 or in Table 34, including proposals outside of the urban or village enablement areas indicated on Map 43, through district plan and development area processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern and particular regard shall be had to the proposed development capacity only where the local authority determines that the urban development proposal is significant, by assessing the proposal for consistency with the operative Future Development Strategy for the Future Proof sub-region and responsive planning criteria in APP13; and 9. where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land

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Objective	Policy
	allocation in Table 34, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the transport network and other infrastructure are avoided, remedied or mitigated.
	UFD-P12 – Density targets for Future Proof area Future Proof territorial authorities shall seek to achieve compact urban environments that: 1. support existing commercial centres; 2. support multi-modal transport options, including active transport and rapid and frequent public transport; 3. allow people to live, work and play within their local area.; 4. support the delivery of a range of housing options; 5. enable building heights and density of urban form to realise as much development capacity as possible to maximise benefits of intensification within city centre zones unless modified to accommodate a qualifying matter; 6. enable building heights and density of urban form to reflect demand for housing and business use in metropolitan centre zones, and in all cases building heights of at least 6 storeys unless modified to accommodate a qualifying matter; 7. enable building heights of at least 6 storeys within at least a walkable catchment of existing and planned rapid transit stops, the edge of city centre zones and the edge of metropolitan centre zones unless modified to accommodate a qualifying matter; 8. within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form should be enabled, commensurate with the level of commercial activities and community services unless modified to accommodate a qualifying matter; and 9. provide for high-quality urban environments that respond positively to local context, recognising that amenity values of the urban and built form in areas planned for intensification will develop and change over time and such change is not, in and of itself, an adverse effect.
UFD-O2 – Housing bottom lines for the Future Proof area[1]	(Refer Policies above)

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Objective	Policy
The housing bottom lines for sufficient, feasible, reasonably expected to be realised development capacity for housing in the Future Proof area are met, in accordance with the requirements of the National Policy Statement on Urban Development (NPS UD) 2020. [table not replicated]	
Waipa District Plan **Part C – Strategic Policy Framework - Section 1 Strategic Policy Framework**	
Objective Settlement pattern 1.3.2 To achieve a consolidated settlement pattern that: a. Is focused in and around the existing settlements of the District; and b. Supports the continued operation, maintenance, upgrading and development of regionally important sites and regionally significant infrastructure and nationally significant infrastructure, and provides for on-going access to mineral resources.	**Policy** - Settlement pattern 1.3.2.1 To ensure that all future development and subdivision in the District contributes towards achieving the anticipated settlement pattern in the Future Proof Growth Strategy and Implementation Plan 2022 and the District Growth Strategy (or any subsequent replacement).
	Policy - Towns 1.3.2.2 To provide for a consolidated settlement pattern by ensuring that new urban activities are focused within the urban limits of the towns of the District and in particular: a. Residential developments and subdivision being located within the residential zones of Cambridge, Te Awamutu and Kihikihi, and also above ground floor level within the Commercial Zone; provided that this policy does not limit further development within the Residential Zone at Karāpiro identified on Planning Map 31.

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Objective	Policy
	b. To provide for medium density residential development in relevant residential zones located within the urban environs of Cambridge, Kihikihi and Te Awamutu, except where qualifying matters require modification of the medium density residential standards. c. A range of accommodation facilities and services to support the long term accommodation and care requirements for the existing and future elderly population, some of which may need to occur on the periphery of towns outside of the current urban limits as well as within the Residential Zone and Medium Density Residential Zone. d. Retail activities, offices and commercial services being located within the Commercial Zones of the District, in a manner that ensures the vitality of the identified pedestrian frontage areas, and maintains Cambridge and Te Awamutu as the primary commercial centres of the District. e. To recognise the potential for the following new areas of commercial zoning: i. The deferred Commercial Zone in Carter's Flat, Cambridge will be considered for rezoning to once a new Industrial Zone at Hautapu is in place, and the Cambridge bypass is complete; and ii. A possible motorway service centre at Hautapu; and iii. Local and neighbourhood centres within Deferred Zones and future growth areas. f. Industrial Zoned land being maintained for industrial activities and new Industrial Zoned land being provided for within the urban limits at Hautapu (96ha gross), Bond Road (21ha gross) and Paterangi Road (8.5ha). g. Developments within the Commercial Zone and Industrial Zone that increase the type and range of employment opportunities within the District and reduce the level of commuting traffic into Hamilton will be supported.
	Policy - Subdivision and development within the Rural Zone 1.3.2.5 To ensure that the natural resources of the Rural Zone, including high class soils, continue to be used for rural activities by: a. Avoiding residential developments and dwellings that are at a density greater than that anticipated by the Rural Zone; and b. Avoiding commercial activities and industrial activities, except for rural based industries and nature tourism; and

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	c. Ensuring that development and subdivision activities within the Rural Zone do not reduce the area of land available for farming activities in the District; and d. Rural based industries not being of a size or location where they undermine the role of a strategic industrial node identified in the Proposed Waikato Regional Policy Statement, or have an adverse effect on the strategic road network or other infrastructure. Rural based industries shall have a functional and compelling needs to locate in the Rural Zone; and e. Managing actual or potential adverse effects on the health and well-being of water bodies; and f. Avoiding sensitive subdivision, use and development that could result in reverse sensitivity effects on rural activities or existing lawfully established rural based industries. g. Managing the effects of development on on-going access to mineral resources.
Objective - Planned and integrated development 1.3.3 To ensure that development and subdivision happens in a way and at a rate that is consistent with the anticipated settlement pattern, maximises the efficient use of zoned and serviced land, and is co-ordinated with cost-effective infrastructure provision.	*Policy - Implement Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te- Rohe O Waikato, Future Proof and Waipā District Growth Strategy* 1.3.3.1 To allow subdivision and development that will give effect to the settlement pattern and directions of the Waikato Regional Policy Statement and that is consistent with the settlement pattern and directions in the Future Proof Growth Strategy and the District Growth Strategy (or any subsequent replacement), and avoid unplanned developments which are inconsistent with these directions. Policy - Avoid development and subdivision that compromises the development of Deferred Zones and future growth areas 1.3.3.6 To ensure that development and subdivision within Deferred Zones and future growth areas does not compromise anticipated future uses.
Part D – Zone Provisions - Section 4 Rural Zone	
Objective - Rural resources	*Policy - Earthworks*

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Objective	Policy
4.3.1 To maintain or enhance the inherent life supporting capacity, health and well-being of rural land, ecosystems, soil and water resources.	4.3.1.6 To ensure that earthworks are carried out in a manner that avoids adverse effects on infrastructure, between properties and on water bodies.
Objective - Rural character 4.3.7 Rural character and amenity is maintained.	*Policies - Rural character* 4.3.7.1 Land use activities should be at a density, scale, intensity and location to maintain rural character. 4.3.7.2 Rural character and associated amenity values shall be maintained by ensuring rural land uses predominate in the Rural Zone, and buildings are of an appropriate scale and location.
Objective - Non-farming activities 4.3.12 Only non-farming activities that have a functional and compelling requirement to locate in the Rural Zone should be enabled to locate in the Rural Zone.	*Policies - Non-farming activities* 4.3.12.1 To limit non-farming activities in rural areas except for activities that: a. Have a functional and compelling reason to establish in a rural area; and b. Do not result in any further loss of land from primary production purposes; and c. Maintain rural character. Activities that do not meet these criteria should be accommodated in urban areas. *Policy - Reverse sensitivity* 4.3.12.3 Non-farming activities in rural areas shall internalise adverse effects and should not cause adverse effects that would result in farming activities being prevented or constrained from operating.
Objective - Cambridge Future Growth Area C3 4.3.16 To ensure that the attributes and unique qualities of Future Growth Area C3 are recognised and not compromised	*Policy - Cambridge Future Growth Area C3* 4.3.16.1 To ensure that subdivision and development within Future Growth Area C3 occurs in a co-ordinated and holistic manner, proposals for interim development should:

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Objective	Policy
by subdivision and development within the Rural Zone prior to a structure plan being approved.	a. Complement the recreational value and attraction of the Te Awa cycleway; and b. Support enhanced public access and appreciation of the Waikato River margins; and c. Ensure that new activities demonstrate how they integrate with the surrounding environs and activities, including St Peters School; and d. Ensure infrastructure is considered and provided in a manner which will enable integration with anticipated future uses within Future Growth Area C3 and Future Growth Area C2, as outlined in Appendix S1.
Part E – District Wide Provisions - Section 20 Health and General Amenity	
Objective - Air and water quality	*Policy - Contain adverse effects*
20.3.1	20.3.1.1
To maintain and where possible improve existing air and water quality.	To ensure that activities avoid, remedy or mitigate nuisance effects beyond the boundary of the site and on any water bodies in order to maintain and enhance amenity and a healthy and safe environment.

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